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GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

PATRICK McGOWAN
COMMISSIONER

PERMIT

AMENDMENT B TO BUILDING PERMIT BP 6487

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Kenneth Haley for Amendment B to Building Permit BP 6487, finds the following facts:

1. Applicant: Kenneth Haley
P.O. Box 276
Rangeley, ME 04970
2. Date of Completed Application: November 12, 2004
3. Location of Proposal: Rangeley Plt., Franklin County
Lot 8 on Plan 29 for Rangeley Plt.
4. Zoning: (D-RS3) Residential Recreation Development Subdistrict
5. Lot Size: 0.34 Acres (owned)
6. Principal Building: Existing Permanent Home (24 ft. by 26 ft.)
Existing Deck (10 ft. by 13ft.)
Proposed Attached Garage (20 ft. by 22 ft.)
7. Accessory Structures: None Proposed
8. Sewage Disposal: Existing Combined System
9. Soil Type: 3D per the Maine State Plumbing Code.
10. Affected Waterbody: Rangeley Lake

The Commission has identified Rangeley Lake as a management class 4, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, significant wildlife resources, outstanding scenic resources, significant shore character, significant botanical resources, outstanding cultural resources, outstanding physical resources.

Background

11. The applicant's lot was developed prior to the inception of the Commission with a 23 foot by 40 foot seasonal camp and 12 foot by 22 foot attached deck set back 11 feet from the normal high water mark of Rangeley Lake.
12. Building Permit BP 6487 was issued to the applicant in September of 1988 authorizing reconstruction of the seasonal camp on a full basement foundation and installation of a replacement combined sewage disposal system.
13. Amendment A to Building Permit BP 6487 was issued to the applicant in September of 1990 granting after-the-fact approval for the reconstruction of a pre-Land Use Regulation Commission staircase leading to a temporary dock [Reference: Enforcement Case EC 91-029, Resolved]. The stairs were subsequently removed in 2002.
14. The applicant proposes to construct a 20 foot by 22 foot attached garage and reduce the size of the deck from 10 feet by 34 feet down to 10 feet by 13 feet. The garage would be set back 63 feet from the normal high water mark of Rangeley Lake, at least 100 feet from Route 4 and 52 feet from the nearest property boundary line. The second floor of the garage would serve as a bedroom and one of the first floor bedrooms would be converted to an entry way so that there would be no additional bedrooms. The applicant has obtained a variance from the local plumbing inspector to move the septic tank and pump from behind the house to a place at the side of the house and closer to the lake.

The combined footprint for all existing structures within 100 feet and proposed structures within 75 feet of the waterbody would be approximately 1,000 square feet. The combined footprint for all existing structures and proposed structures within 100 feet of the waterbody is approximately 1,198 square feet.

Review Criteria

15. Under the provisions of Section 10.26,D of the Commission's Land Use Districts and Standards the minimum setbacks for residential uses are 100 feet from the normal high water mark of waterbodies such as Rangeley Lake, 75 feet from roadways such as Route 4, and 15 feet from side and rear property lines.
16. Under the provisions of section 10.11,B,1 of the Commission's Land Use Districts and Standards, permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. Section 685-B(4) and demonstrate that the project will not adversely affect surrounding uses and resources and that there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback.
17. Under the provisions of Section 10.11,C,1 of the Commission's Land Use Districts and Standards, an addition to a legally existing nonconforming dwelling located between 25 feet and 50 feet from the

normal high water mark of waterbodies such as Rangeley Lake, shall not exceed the maximum combined footprint of 750 square feet for all structures within 100 feet of the waterbody. An addition to a legally existing nonconforming dwelling located between 50 feet and 75 feet from the normal high water mark of waterbodies such as Rangeley Lake, shall not exceed the maximum combined footprint of 1,000 square feet for all structures within 100 feet of the waterbody. An addition to a legally existing nonconforming dwelling located between 75 feet and 100 feet from the normal high water mark of waterbodies such as Rangeley Lake, shall not exceed the maximum combined footprint of 1,500 square feet for all structures within 100 feet of the waterbody.

18. The facts are otherwise as represented in Building Permit Application BP 6487 and subsequent amendments, Amendment Request B and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed garage, set back 63 feet from the normal high water mark of Rangeley Lake, does not comply with the Commission's minimum waterbody setback requirement pursuant to Section 10.26,D of the Commission's Land Use Districts and Standards.
2. The proposed garage would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards in that the proposed garage would meet the approval criteria in 12 M.R.S.A. Section 685-B(4) and would not adversely affect surrounding uses and resources and would not increase in the extent of nonconformance.
3. The proposal would be in compliance with Section 10.11,C,1 of the Commission's Land Use Districts and Standards in that the proposed addition located between 50 and 75 feet from the lake, in combination with all the structures within 100 feet of the lake, would have a combined footprint of approximately 1,000 square feet, and the proposed addition located between 75 and 100 feet from the lake, in combination with all the structures within 100 feet of the lake, would have a combined footprint of less than 1,500 square feet.
4. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the amendment request of Kenneth Haley with the following conditions:

1. The Standard Conditions (ver. 10/90), a copy of which is attached.

Notwithstanding Condition #3 of the Standard Conditions (ver. 10/90), construction activities permitted in this permit must be substantially started within two (2) years of date of issue and substantially completed within five (5) years from date of issuance of this permit. If such construction activities are not begun and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

2. The standards for Vegetative Clearing, Section 10.27,B of the Commission's Land Use Districts and Standards, a copy of which is attached.

3. The standards for Filling and Grading, Section 10.27,F of the Commission's Land Use Districts and Standards, a copy of which is attached.
4. The proposed garage must be set back a minimum of 63 feet from the normal high water mark of Rangeley Lake, 75 feet from Route 4 and 15 feet from other property boundary lines.
5. The permitted garage must not exceed 25 feet in height.
6. The approved changes in the sewage disposal system must be installed in the location and according to the design specified in the report prepared by the permittee's site evaluator, Elizabeth Flynn, dated October 27, 2004. The changes in the existing sewage disposal system include moving the septic tank and pump. These changes must not be implemented until a Plumbing Permit has been obtained from the Local Plumbing Inspector.
7. The permittee must obtain a Certificate of Inspection for the sewage disposal system at the time of installation from the Local Plumbing Inspector. A copy of this certificate must be submitted to the Commission.
8. Upon the completion of the permitted garage, the existing 340 square foot deck must be reduced to a footprint no greater than 134 square feet and must be set back a minimum of 27 feet from the normal high water mark of Rangeley Lake.
9. The permanent home with attached garage must contain no more than 3 bedrooms.
10. Any activities which result in unstabilized soil conditions must comply with the General and Design Standards of Section 10.25,M,1 and 2 of the Commission's Land Use Districts and Standards, a copy of which is attached.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT RANGELEY, MAINE, THIS 17TH DAY OF NOVEMBER, 2004.

By: Neena S. Bhan
Catherine M. Carroll, Director